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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,559	07/25/2007	Makoto Kosugi	90606.559/ym	4867
54071	7590	04/28/2010		
YAMAHA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191			EXAMINER LEWIS, TISHA D	
			ART UNIT 3655	PAPER NUMBER
			NOTIFICATION DATE 04/28/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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sfunk@kbiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,559	<b>Applicant(s)</b> KOSUGI ET AL.	
	<b>Examiner</b> TISHA D. LEWIS	<b>Art Unit</b> 3655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-24 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

The following is a response to the amendment received on January 29, 2010 which has been entered.

#### ***Response to Amendment***

Claims 13-24 are pending in the application. Claim 24 is new.

-The objection to the drawings has been withdrawn due to applicant submitting corrected replacement drawings which have been approved.

-The 112 2nd rejection of claims 13-23 has been withdrawn due to applicant amending claims 13 and 18 accordingly.

-The 102(b) rejection of claims 13, 15, 16, 21 and 22 has been withdrawn due to applicant amending claim 13 with limitations not disclosed by the prior art of record used in the rejection.

-The double patenting rejection of claims 13-16, 19 and 21-23 has been withdrawn due to applicant submitting a terminal disclaimer which has been approved.

#### ***Information Disclosure Statement***

The information disclosure statement filed 10/29/09 has been considered.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3655

Claims 13 and 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer et al 6220109 (Figures 4, 21b, 21c and 19). As to claim 13, Fischer discloses a vehicle having an engine case containing at least a portion of an engine (200), a speed changing transmission (201) selectively driven by the engine, the transmission including a shift shaft (209) and a dog (part of 201), a shift control device arranged to perform shift control of the transmission, the device including a shift actuator (202) and an actuation force mechanism, the actuator being configured to be stroked by a predetermined amount to move the shift shaft and dog into and out of engagement (controller 204 controls motor 212 to move shaft 209 to engage dog), the force mechanism being disposed outside the engine case and being interposed between the actuator and shift shaft (Figure 3), the mechanism including first and second coupling parts (210a, 210b, 1511, 1512, 1521, 1522, 1301, 1302) being sized and configured to be coupled together to provide movement relative to each other, a biasing mechanism (211, 1513, 1523, 1322) arranged to urge the first and second coupling parts toward a neutral position and a stopper mechanism (245a, 245b, 240a, 240b, 1516a, 1516b, 1525a, 1525b, 1330) arranged to stop the relative movement of the coupling parts when one of the parts is moved relatively from the neutral position against the urging force of the biasing mechanism and contacts the stopper mechanism. As to claim 15, the coupling parts are coupled so as to slide relative to each other (210a, 210b, 1511, 1512, 1521, 1522 slide relative to each other). As to claim 16, the biasing mechanism includes a compression spring (Figures 4, 21b, 21c and 19). As to claim 17, the coupling parts are coupled for at least rotational movement relative to each other (1301,

Art Unit: 3655

1302 rotate via 1350). As to claim 18, wherein the biasing mechanism includes a leaf spring having an elongated rod shape (Fischer discloses that energy devices can be a tension springs column 25, line 15 in which leaf springs are considered tension springs). As to claim 19, wherein the actuation mechanism is disposed on the shift shaft (1301, 1302 is on shaft 1350). As to claim 20, wherein the mechanism is disposed on a gear shaft of a speed reduction mechanism coupled to the actuator (210a, 210b is disposed on a shaft extending from gearing 213 coupled to motor 212, Figure 3). As to claim 21, the actuator is coupled to the shift shaft via a coupling mechanism arranged to transmit an actuation force of the actuator to the shift shaft, the mechanism is held by the coupling mechanism (combined structure of 210a, 210b, 1511, 1512, 1521, 1522 can form the coupling mechanism). As to claim 22, the mechanism is provided in a case held by the coupling mechanism (Figure 4a discloses the coupling parts forming a case like structure). As to claim 23, the actuator is coupled to the shift shaft via a coupling mechanism arranged to transmit an actuation force of the actuator, the coupling mechanism being adjustable (length change of coupling is via linear movement of coupling parts). As to claim 24, wherein one of the first and second coupling parts is operatively connected to the shift shaft and the other of the first and second coupling parts is operatively connected to the shift actuator (210a is coupled to 209 and 210b is coupled to 202).

***Allowable Subject Matter***

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-F 9:30AM TO 6:00PM.

Art Unit: 3655

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tdl  
/TISHA D. LEWIS/  
Primary Examiner, Art Unit 3655  
April 23, 2010